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Fax

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MAY 11 2006

To:	Mr. Karl D. Frech	From:	Judy Williams
Fax:	571.273.8300	Date:	May 11, 2006
Phone:	571.272.2390	Pages:	8, Plus Cover
Rec:	APPLICATION NO. 10/731,531	CC:	

Dear Mr. Frech:

Following is our responsive letter to your communiqué postmarked April 17, 2006, sent in regard to the above referenced patent application number, which relates to our system and method patent application for using smart card technology in conjunction with sports and entertainment celebrities for fan loyalty and benefits.

For further reference, I am also faxing your documents that you sent to us.

We would sincerely welcome an opportunity to talk with you about this important endeavor in our lives.

Kind regards,



Judy Williams

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May 11, 2006

Mr. Karl D. Frech
USPTO
Primary Examiner
Art Unit 2876

RE: APPLICATION NO. 10/731,531

Dear Mr. Frech:

After four attempts to reach you at the telephone number you provided in your correspondence, *Office Action Summary*, regarding the above referenced patent application, I attempted to call your supervisor, Mr. Lee, at the number you provided, to discuss the contents of your summary and to gain some clarification from on certain items contained in the document. As I have been unable to speak with either of you by phone, I am sending this fax, instead.

Regarding the points you referenced in your communiqué, which is postmarked April 17, 2006, both Jim and I, joint-inventors, pose the following questions for clarification, or submit the requested changes, or offer the following observations:

POINT 1. Regarding the indefinite statements in Claims 1, 2 and 6:

Next under are re-writes of these claims, reflecting the removal of the objectionable terms and words, which you pointed out to us; however, the references to EZ Net and SmartKids Homework Links in Claim 6 are very specific references to two major elements of our present invention. Per your statements regarding these references, we have removed this claim, but we wish to discuss this point with you further, please.

POINTS 2 & 3.

We beg clarification on these two points, please.

From our perspective, we found no other issued or pending patent for intellectual property using smart card technology in the method in which our invention uses it. Further, in regard to the prior art (Point 3), we are not laying claim to the smart card, or integrated circuit technology, or computer terminals, or any of the related components used to facilitate the workings of our product; rather, our intellectual property focuses on a heretofore untapped system and method for *using* and *applying* these existing prior art elements. Our intellectual property relates specifically to using the smart card and its related and required operational technologies to promote fan loyalty to celebrities in the sports and entertainment arenas. Our invention does this by first visually appealing to a

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fan or consumer by placing the image, name or some other identifying element of a celebrity on a smart card and then by automatically connecting the fan/consumer directly to the celebrity's web page when the pre-programmed smart card is inserted into or waved over a reader connected to a computer.

Please excuse us if we have misunderstood the meaning of these referenced points in your document. It was these points that prompted my attempts to speak with you for further clarification.

POINT 4. Regarding the rejection of Claims 1-9 as being unpatentable over DeFabio 6,250,549 in view of Collins, 6,081,681:

DeFabio: Our research showed exactly what you point out about DeFabio's invention, which encompasses a memorabilia kit related to a celebrity. The differences are so striking that we did not consider DeFabio's invention as a stumbling block for us. DeFabio's focus is on capturing for the fan, or collector, a one-time, unchanging image of a celebrity actually signing an item and using the captured image as authentication of the celebrity's signature.

Our focus is on using smart card technology as a mechanism for connecting fans to their chosen celebrities' web pages. Those web pages are then connected to numerous links where the fan can interactively use our card for membership benefits. In addition, our use of smart card technology and its related, operational components allows fans to make discounted purchases on celebrity-endorsed items found at participating smart-card vendor locations, primarily athletic complexes and arenas and concert halls. Apart from a memorabilia kit and the use of stored memory to access an image of a celebrity, there are few, if any, additional similarities between the DeFabio invention, and ours.

Collins: This inventor's use of stored memory for a dating service never even surfaced as a flag for us during our searching, because it is so far removed from our invention's purpose.

Again, our invention is focused on using a celebrity in conjunction with a smart card pre-programmed to each individual celebrity's web page... one card per celebrity, connecting to that celebrity's web page.

Our observation is simply this: To reject our claims on the grounds that other inventors use electronic memory storage and search engines for image retrieval is like saying Google cannot query on key words, because Yahoo operates under the same premise. Or, that a grain company cannot place its latest cereal in a box, because an earlier inventing company packages its pasta in a box, too. Ours is simply a different method for using smart card technology in a different way from anyone else.

Mr. Frech, we respectfully request an opportunity to talk with you about our invention and how it differs from these two that are referenced. Please let either Jim or me know if and when that is possible.

Kind regards,

Judy Williams

Claims, Revised

1. A system, method and computer program product for promoting targeted purchasing and fan loyalty to sports and entertainment celebrities—and the products and causes they promote and endorse—through the use of: a smart card with an integrated circuit device, which offers fans of sports and entertainment celebrities memory and microprocessing capabilities, including "contact" and "contact-less" devices, and which either displays or contains the images, names, logos, or other identifying monikers and/or elements of celebrities on or in any device using IC technology; an application service provider for all hardware, software, and infrastructure needs and support, including data base management; a smart card terminal or other IC technology reading device connected either to the user's computer, or a merchant's terminal; a computer program product working in conjunction with smart cards and other IC devices that provide fans seamless and instant Internet connection to the chosen celebrities' fan club Web sites as a point of entry to the Web, a Web store operated by an application service provider, maneuverability and efficiencies while searching and shopping on the Web, and tangible, on or off-line paybacks and benefits in return for the fans' loyalty to their chosen celebrities; a set of special software programs offering password-protected, hierarchical access to not only the celebrities' fan club pages, but also to the celebrities' preferred cross-marketing links, as well as downloadable and updatable homework help links for students, fan rewards for travel and related services, and data storage and retrieval, such as ship-to and bill-to names and addresses for convenience when shopping on-line, and for storage of the individual's favorite web site Universal Resource Locators (URLs);
2. The smart card or other integrated circuit (IC) system as defined in claim 1 uses multiple user platforms, a compatible personal computer (PC) running a compatible operating system, a programmed, and a programmable, smart card to facilitate and enhance not only Internet maneuverability, efficiencies, and services for the fan, but also off-line benefits for shopping, travel, dining, car rentals, and related services, when conducted in conjunction with participating merchants.

Office Action Summary	Application No.	Applicant(s)
	10/731,531	WILLIAMS ET AL.
Examiner	Art Unit	
Karl D. Frech	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 July 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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1. Claims 1-9 are objected to because of the following informalities: regarding claim 1, the term "such as" and the use of phrases in parenthesis, specifically "(including "contact" and "contact-less" devices)" can be taken as indefinite; regarding claims 2&6: the use of the trademark/tradenames IBM, Microsoft, Windows, Macintosh, Mac, EZ Net and SmartKids Homework Links are indefinite and should be removed from the claims. Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFabio 6,250,549 in view of Collins 6,061,681. DeFabio disclose a system in which a memorabilia kit is sold. It is disclosed that the memorabilia kit includes a captured image and a signature of the person imaged (col 3

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lines 1-10). It is disclosed that there is appropriate data related to the "signing" event stored in a memory to be provided to the purchaser, including time when the signing took place and any particular "affiliation" of the signator (col 4 lines 51-67). DeFabio does not disclose the networked search engine. Collins discloses a method and appropriate apparatus for accessing photographs of individuals through use of a personal computer, i.e. IC technology, including a display over a network connected to at least one local server and a second local server (fig A1), which contains information requested at the personal computer in a database on the local server. The user of the system inputs information to search for preferred results. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the search engine of Collins to find signing events as in DeFabio. This would allow a user of the combined system to rapidly locate a desired signator.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Karl D. Frech whose telephone number is (571) 272-
2390. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Frech
Primary Examiner
Art Unit 2876

Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination	
		10/731,531	WILLIAMS ET AL.	
Examiner		Art Unit		Page 1 of 1
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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,061,681	05-2000	Collins, Gregg E.	707/5
*	B	US-6,250,549	06-2001	DeFabio, Jr., Daniel J.	235/380
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.